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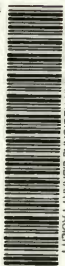
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SUBSTANCE

OF THE

SPEECH

OF THE

RIGHT HONOURABLE

*SIR WILLIAM SCOTT,*

DELIVERED IN THE

HOUSE OF COMMONS,

WEDNESDAY, APRIL 7, 1802,

UPON A MOTION FOR LEAVE TO BRING IN A BILL,

RELATIVE TO THE

*NON-RESIDENCE OF THE CLERGY,*

AND OTHER

AFFAIRS OF THE CHURCH.

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LONDON:

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May, 1802.

SUBSTANCE

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OF THE

RIGHT HONORABLE

SIR WILLIAM SCOTT,

AND OTHERS IN THE

HOUSE OF COMMONS,

WEDNESDAY, APRIL 7, 1805.

BY JAMES WILSON, ESQ. OF THE BARRS AT EDINBURGH.

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S U B S T A N C E

OF THE

S P E E C H

OF THE

RIGHT HON<sup>BLE</sup>. SIR WILLIAM SCOTT,

&c. &c. &c.

THE HOUSE IN A COMMITTEE,

Mr. ALEXANDER in the Chair.

S I R,

IN pursuance of my notice, I have to move for leave to bring in a bill for amending the Statute of Henry the Eighth respecting the Clergy; and before I enter upon the subject itself, I must trouble you with a very few words in excuse of the person who has been rash enough to undertake it.—Sir, it is by no obtrusion of myself that this office has descended into my hands; no man could be more sensible of its difficulties, or less disposed to a

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personal

personal encounter with them. But I have yielded to the judgments and inclinations of other minds, aided by a sense of public duty in my own; the House, therefore, will have the satisfaction of knowing, that what I have to offer to its consideration, is not the eager expression of any favourite, preconceived opinions; whatever other demerit may belong to it, it will come, I am sure, without the confidence, and, I trust, without the prejudice of system upon the subject.

The business is to review some of the provisions of the Statute of King Henry the Eighth.—The prosecutions recently brought in great numbers, and in different parts of the kingdom upon that statute, have imposed, what I may venture to call an *admitted* necessity upon the Legislature of reconsidering it. I say *admitted*, because the Legislature, under a sense of that necessity, forcibly impressed upon it last year by two most worthy members, representatives of western counties, has already agreed to suspend its operation. I meddle not with the motives, nor with the characters connected with those prosecutions; if any thing exceptionable belongs to either of them, I fear that the reproach must be shared by the Legislature  
which



which has addressed such motives and invited such characters. It is the less necessary for me to advert to them, because if no such prosecutions had existed, the statute would nevertheless be, in my opinion, a very fit subject of modern consideration. It is a statute upon important subjects immediately connected with the religion and morals of the country—but a statute made three hundred years ago, in a state of religion and manners very different from the present. It is a statute which enforces its operation by money-penalties—but those penalties prescribed under a very different valuation of money from that which obtains at present. On these considerations alone it might be deemed not unfit to revise this statute, even supposing it to be possessed of all the characters of original wisdom and justice, that are to be looked for in an act of the Legislature, framed with an attention to the exigencies of the times that gave it birth. It is admitted by Lord Coke, one hundred and fifty years ago, that “It then required alterations and additions, although excellent for its time.”—Lord Hobart has likewise described it as a “most wise and politic statute.” May I be permitted to say, with all the profound re-

verence which I owe and feel to the opinions of very eminent persons (men of oracular weight upon questions of the existing law of their country, but, I may say without offence, not quite of such unappealable authority, upon questions of legislative policy) that I cannot help entertaining a doubt whether these panegyrics, on the original wisdom and equity of this statute, have not been somewhat liberally conferred?

It is impossible not to advert a little to the times in which it was produced, and the motives which, in part at least, operated in producing it. The times were times of great fervour and irritation — the corruptions of the Church collected during the grossness of the darker ages, and which that Church, by neglecting the favourable opportunity of reforming, has entailed upon itself the unhappy necessity of perpetuating and defending, had provoked great popular resentments; but, as was natural to be expected, resentments not always justly directed to their objects, nor very exactly proportioned in their measure. They overflowed upon the whole body of the clergy, deserving and undeserving (for unquestionably there were many of the first description), and upon all  
 clerical

clerical claims, just and unjust, for it is equally unquestionable that there are both. In short, the times were exactly those which are the least fitted in any country for a happy exercise of deliberative wisdom, lying in that precise juncture, when ancient opinions and maxims have become the objects of contempt and aversion, and the new and improved system had not yet settled itself, in a firm and sober and correct possession of men's minds. The history of those times abounds with instances of the general animosity, that then prevailed against the clergy. It is a familiar anecdote in every body's mouth, of the observation made by the then Bishop of London in a letter respecting an idle and malicious charge of murder brought against his Chancellor, that a London jury was at that time so prejudiced against the clergy, that where a clergyman was concerned, they *were ready to find Abel guilty of the murder of Cain*. A more singular demonstration of the general prevalence of that sort of inveteracy, is recorded by one of the most exact inquirers into our national history, (particularly the ecclesiastical parts of it) Mr. H. Wharton, in his Remarks on Strype's Memorials of the Reformation. "*Crimes of incontinence,*" he says, "*were*  
*then,*

“ then, as now, cognoscible only in the ecclesiastical  
 “ courts; but rapes were then, as now, triable at the  
 “ common law; and of this the laity took such  
 “ malicious advantage in times immediately before  
 “ the reformation, that they were wont to pretend  
 “ all acts, and even indications of incontinence in  
 “ ecclesiastics to be so many rapes, and to indict  
 “ them as such; insomuch, that scarce any assizes  
 “ passed at that time wherein several clergymen  
 “ were not indicted of rapes, and a jury of laymen  
 “ impannelled to try them, who would be sure not  
 “ to incur the guilt of shewing too much favour in  
 “ their verdicts.” There is reason enough to  
 suppose, that Parliament was sufficiently tinctured with the popular prejudice of the times. It had its particular resentments against that great minister and churchman Cardinal Wolsey: a man of great talents! *qui nihil humile aut sensit aut dixit!* but, who had likewise that pride and confidence of great talents, which, in a state of coarse manners, is with difficulty kept free from betraying itself in an oppressive insolence of language and demeanor. “ *They hated him, because he hated Parliaments,*” says Lord Coke in the passage I have alluded to, “ *and had been the mean that no Parliament was holden in the realm but one, for the space of fourteen*  
 “ *years;*”

“*years;*” and it could not well be forgotten, Sir, that in that *one* Parliament, the very one which *immediately* preceded the Parliament which made this statute, he had come into this room in all the pomp of the most ostentatious prelacy, and seating himself by your chair, had demanded “*to know the reasons of those members who opposed the King’s Highness’ subsidy, in order that he might confer with them thereon.*” It is not out of our historical recollection, how severely an intrusion of the like kind cost the Sovereign of this country in the following century. As to the King, he had other passions, besides resentment, to animate him in these measures; he had two years before began the business of his divorce; it proceeded much too tardily for the impatience of such a lover; he had quarrelled with Wolsey on account of the delay, and was determined to menace the Pope into a compliance. “*The King,*” says Bishop Burnet, “*set the bills forward, and they were agreed to and had the royal assent. The King intended by this to let the Pope see what he could do if he went on to offend him, and how willingly his Parliament would concur with him if he went on to extremities.*”

Under this ferment of passions was this  
statute

statute conceived; and if it *did* come into the world with the characters of wisdom and propriety appearing in its constitution, it would add one more instance to the number, which the experience of mankind has certainly furnished, of good effects produced by questionable and mixed causes. I have ventured to doubt the existence of such characters. The very policy of throwing matters of this nature into the general tribunals of the country is, in my apprehension, subject to very reasonable doubt. I shall speak with the less reserve upon this policy, because, finding it here established, it is not my intention to attempt to remove it, guarded, as I purpose it should be, by the correctives which I propose to apply to it. I cannot help remarking, that it was a violent innovation on the practice of the Church, not only of the Church then existing, but upon the general practice of the Christian Church, which has considered matters of this nature as administrable in a course of ecclesiastical discipline only. Take, for instance, the matter of residence. The power of enforcing, or dispensing with residence, belonged *de jure communi* to the Bishop. *Super residentiâ faciendâ potest ordinarius gratiam dispensative ad tempus facere, prout causa rationalis*

*nabilis id exposcit.* Such was the rule of the Christian Church. The oath of vicars, taken at institution, which has existed in this kingdom for six hundred years, down to the present hour, is, *that they will reside, unless dispensed with by their ordinary.* In the *Reformatio Legum*, a code drawn up for the use of the Reformed Church of England, by some of the most considerable persons of the age, both laymen and churchmen, the rule is, that absence is excused if the party is *annis gravis, morborum incursione extenuatus, vel ob quamcunque justam aliam causam episcopo approbandam.* And in fact, the power of dispensing with residence continued to be formally exercised by Cranmer, and other eminent prelates of the Reformed Church, down to a very late period, notwithstanding the apparent prohibition of this statute, as appears from the records of the office of Faculties and from Episcopal Registers. I take such to be the practice of the Lutheran and Calvinistic Churches. In that most respectable branch of the Calvinistic Church, the Church of Scotland, I understand it to be a matter of consistorial discipline; nor does this practice found itself merely upon high and exclusive notions of the immunities of the Church; it is no more than what the policy of the law has found it convenient to apply to the

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regulation

regulation of the conduct of men in other professions, the peculiar duties of which are enforced not in the ordinary course of judicial proceeding, but in *forums* of their own, and in a course of official administration, confided to the vigilance and integrity of the respective superiors; nor is it to be alleged (as one sometimes hears,) that the interest, which the laity has in the good conduct of the clergy, makes this absolutely necessary, because, in the first place, no one will deny that they have a pretty considerable interest in the good conduct of other professions; in that, for instance, of their naval and military defenders: and in the next place, because their interest, give it what comparative magnitude you please, seemed to be sufficiently secured by the power which the laity then possessed, and still possess, of applying to the consistorial tribunals, and there enforcing a specific performance of canonical duties, in all cases where it was fit it should be enforced.

I do not, however, object merely on the ground of this policy being a novelty, and a novelty without a necessity, (though this alone is no contemptible objection in acts of legislation,) but, because it is a novelty that is unavoidably productive of practical injustice and incon-



inconvenience. When I use these words, let no man be perverse enough to impute to me, that I am hazarding irreverent expressions against the great tribunals of my country; no man venerates more, either the wise constitution, or the honourable administration of them. They have both of them, at all times, and at no times more than the present, been amongst the best securities, and the proudest ornaments of our Country. But I may be permitted to express a doubt, whether in consequence of the very fact of their being so admirably adapted to the administration of general justice, they may not be less conveniently framed, for wielding the peculiar discipline of a peculiar profession.

Take, in illustration again, this matter of residence. The statute enacts that, *whoever is wilfully absent from his benefice*, (and which the courts of law have interpreted to be the *parsonage house of that benefice*) *for one month is liable to a penalty*. The courts have of course followed the strict construction, which as courts of law they were bound to do, and they have accordingly determined, (as far as can be inferred from the adjudged cases) that a *wilful absence*, is that absence which is not produced

by some physical necessity; for I cannot find in any adjudged case, that any cause of absence has been allowed, besides these three: 1st. Imprisonment of the body elsewhere. 2dly, Infirmity of body; and 3dly, Want of habitation, or of an *ubi* in the parish; a plea which, I must observe, has been in effect disallowed, or at least contracted in some late determinations, in which it has not been admitted as a valid defence, unless it has been at the same time shewn, that the Clerk has approximated his habitation to the parish, *cy près*, or as near as he could in some contiguous parish. These pleas likewise, (all of which are merely physical,) must be proved in an absolute degree. As to imprisonment of the body, that is not a matter which much admits of *plus* and *minus*, but the matter of infirmity of body must be proved to a degree, not merely of discomfort, but of something approaching to actual peril. With respect to habitation, I have only to mention the late case of the Rector of Bow Church; that clergyman was shewn to be one of the most exemplary of his time; it appeared that he not only performed, in an assiduous and edifying manner, the public duties of his church, but in a manner equally assiduous and edifying, the more painful, but not

not less important offices, of private and constant ministration to the spiritual wants of his parishioners. It was admitted on the part of the prosecution, that on these very accounts he was selected for the purpose of shewing, that no merit could excuse the legal guilt of non-residence; for true it was, that he was legally a non-resident, living not in the parish of Bow Church, but in the no distant parish of Saint Andrew's, Holborn; and under these circumstances, that the proper parsonage house was of such confined dimensions, that the only ground floor room was converted into a shop. Any enlargement of the house was hopeless, not only from the obstructions of the Statute of Mortmain, but from the excessive value of ground, in that highly commercial part of this capital. Under this representation the jury were instructed, and properly instructed by the learned and noble judge, to consider whether this habitation, incommodious and uncomfortable as it might be, was not yet one in which a clergyman, submitting to a painful necessity, might contrive to live, and the jury found for the full penalties against the defendant. I mention this case to shew the *degree* in which even *these* legal pleas must be substantiated. As to pleas of necessity,

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merely

merely moral, I cannot find the admission of any such, in the cases which the practice of three hundred years has furnished. I cannot deny that an attendance elsewhere, upon the last months of a declining wife, or parent, or child, or upon any other of the charities of life, is certainly a *wilful absence*, for it must be admitted, that it is produced by a mere determination of the *will*, though the will may be influenced in the particular case, by causes as powerful, and as laudable, as any that can act upon human volition. In the Consistorial Courts acting under the episcopal discretion, or a discretion of the like nature, such pleas can have a reasonable attention paid to them. A Court of Law acting upon the express letter of a statute, assumes no such discretion itself; and it is expressly forbidden, by the same statute, to invoke or admit the interposition of episcopal discretion. As far as a court of law contemplates such a subject under such an authority, it has been, and, I presume, must be, upon the footing of a something, very little short of a hard and dry physical necessity.

So much as to the general policy—Are the specific provisions more clearly marked with wisdom? The provision made for carrying all its other provisions into effect, is by means of  
the

the common informer. Of that personage I shall take care to speak with all due caution, because I perceive, that although he is a very abhorred man, when he is blowing up a conspiracy against the State—not very gracious when he is enforcing a tax—yet that he is received with some degree of kind acceptance, when he betakes himself to the employment of *privateering* upon the Church: all, therefore, that I shall venture to say of him, is, that it appears to be but a clumsy sort of policy at best, to make the avarice of mankind the grand instrument of religious and moral reformation. But, supposing it ever so decent a thing to dethrone the Bishop, and to put the common informer in his place, look at the penalties with which he is armed!—perfectly ruinous to the majority of the clergy at the time, and in that respect directly contrary to every principle of our happy constitution—ten pounds for a month's absence! By the *Valor Beneficiorum*, made five years after the passing this statute, a very large proportion of the cures in this kingdom, were under ten pounds a year in value; so that the great body of the clergy were put into *this* state, that if they slept out of their parsonage-house, for one  
 day

day above a month, they were deprived of all subsistence for above twelve months following.

What was the grand object to be secured to the publick, by this unnatural change of the ecclesiastical constitution, bearing so hard upon the convenience of individuals? Is it a canonical residence? By no means. What is a canonical residence? not merely *residentia parochialis*, but *personalis ministratio* likewise—*residere in parochiá, et deservire in ecclesiá*. Such is the general language of the canon law, and mere bodily presence in a parish is no sufficient defence, in the ecclesiastical suit, for non-residence, if it is shewn that the Clerk has not likewise performed the duties which ought to accompany it. But this statute takes the bodily presence, independent of the personal ministration—the *corpus sine pectore*—upon the presumption, which, the experience of the world proves, will often fail, that the man who is compelled to be upon the spot, will perform every thing for which he is compelled to be upon that spot. If a man does but sleep in his parsonage bed, he may sleep there from month's end to month's end; he may live in the most slovenly disregard, or in the most insolent defiance

fiance of every obligation of duty; and yet, as far as this statute reaches him, he may go utterly unwhipt of publick justice. The residence, which this statute secures to the publick, may be a parish nuisance, and a parish scandal, and nothing better.

In pointing out such passages in this statute, as appear to me to mark it rather as a statute of vengeance than reformation, as uniting in itself the extremes of violence and inefficiency, I cannot help adding, that if such provisions are really, what they have been sometimes called, the *first fruits* of the Reformation, they are fruits collected in a state of great acerbity—harsh, and crude, and unmellowed—much fitter to ferment than to compose the passions of mankind. Let me ask those who shelter this statute under the apology, that time may perhaps have rendered some of its provisions unseasonable, for what times such provisions as these could possibly be fit? *that no clergyman, beneficed or unbeneficed, should take a house, except in a city, market town, or borough, under a penalty of ten pounds a month? That no poor vicar could take a lease of the parsonage, to help out his own scanty endowment, under a penalty of ten times the value of the profits of such lease? That no clergyman can*

*hold a lease of land, though not occupied by himself, and though descended to him from his family, under a penalty of ten times its annual value? That no clergyman possessed of a patrimonial freehold estate, in a grazing country, could buy and sell a cow, without a forfeiture of treble the value of that cow?* In my apprehension nothing could have concealed the vices and infirmities of this statute, but its having been consigned by almost general consent to almost general inefficiency ever since its birth, till within the last two years, when it has been made the commercial bank of two or three trading attorneyes. Before that time it had rarely been heard of, but occasionally as a postscript to a dispute about tythes, or to some personal squabble between the parishioner and his parson, generally discountenanced in the particular instance by the excellent persons who have presided in the Courts, who have repeatedly lamented their own inability to admit pleas, highly proper to be attended to, and that they were bound to consider the most conscientious clergyman, who after twenty years most sedulous performance of all his duties, absented himself for one month from his parish (or even from his parsonage-house, though doing the duties of his cure), and with the permission



sion of his superiors, as a culprit—and as a culprit who was not to be exonerated, on any other plea than that which would exonerate a man from charges of the most atrocious kind—the plea, of having acted under something little short of an irresistible necessity.

But whatever may be the original character of this statute (on which I have ventured to express an opinion, contrary to opinions which I cannot but respect, when I look at those who have entertained them); it is not to be denied, that the change of time and manners has imported into it a degree of incongruity and injustice, which no man can be found to defend.

In the first place, the money-penalties have acquired an additional injustice, by acquiring an additional inequality. Many of the livings of this kingdom, that were meanly endowed with land or tythes, continue in their original poverty; others, better provided with those species of property, have risen into opulence: on the poor livings the statute operates with its original severity, aggravated by the consideration, that it touches the richer benefices, comparatively, with a feather. Its *utmost* effect upon a living of £1,200 per annum (of which there are

several in this kingdom), is compounded for by the payment of an income tax.

In the next place, the general alteration, which has taken place in the general system of life and manners, must be adverted to. The *native clergy* (as far as the statute applied at all to them) were single men, living in the habits of a secluded life. They generally fixed near the places of their nativity. I observe in most ancient catalogues of the English clergy, both secular and regular, that their names are usually taken from some neighbouring village or borough, to that where you find them settled. From the spot where they settled they had few possible calls; there was little communication between different parts of the country or with the capital; correspondence was rare, and carried on either by special messengers, or by the accident of pilgrims passing that way. The gentry themselves, excepting those who attended Parliament, ventured little beyond the sod of their own village, unless to the county court: The business of the county was transacted in the county. All this has undergone a great alteration; the different classes of men are no longer *glebæ adscriptitii*; communication is opened; much

much of the business of the kingdom is transacted in this town. The clergy are most generally beneficed in parts of the island remote from the places of their birth and education, and they have calls of family affection and duty to the relations they have quitted. Being invited by the Reformation to marry, they form new family connections which again produce calls of a similar nature; and, I presume, no reasonable man would wish that they should be deaf to such calls, and should turn their backs on the happy intercourses of family kindness. It is one of the best effects of the Reformation, that by introducing them to the charities of domestic life, it has taught them a practical knowledge of the duties, which belong to those charities. They have family property in other parts of the county; they are called to the capital for the transaction of family concerns; they are called to attend to the declining health of a wife or a child, by a temporary change of air and situation. I am no advocate for dissipation, when I observe, they have families of young persons who are not without their claims to reasonable indulgences for the purposes of health, of education, of improvement, and, I venture

venture to add without fear, even of innocent curiosity and relaxation.

In the next place, the change, not only of the manners, but of that which is every day assuming a greater importance in the country, its agriculture, makes a change of the provisions of the statute relative to farming quite indispensable. It is impossible for me to state this effect half so well in any words of my own, as in those which compose a letter, written to me by two most respectable clergymen of the west of England, and which, with the permission of the House, I beg leave to read as a part of what I have to offer.

“ Whilst we were thus indulging in what  
 “ we conceived to be innocent pursuits, we  
 “ find ourselves amenable to that part of the Sta-  
 “ tute of Henry VIII. which interdicts us from  
 “ buying and selling, and an avowed informer,  
 “ who has come into the country with an ex-  
 “ press intention of prosecuting the clergy on  
 “ the other parts of the Act, has just began to  
 “ enforce this tremendous clause.

“ What constitutes the peculiar hardship  
 “ of the modern clergy is, that the restraint in  
 “ question did not materially, if at all, affect  
 “ their

“ their predecessors at the time the Act was  
 “ made, but has, for the most part, been occa-  
 “ sioned by the alteration, that has taken place  
 “ in the general state of society, and our ha-  
 “ bits of life.

“ The facility with which all our wants are  
 “ at present supplied, was in the sixteenth cen-  
 “ tury wholly unknown. Our ancestors, who  
 “ resided in the country, derived from their  
 “ estates the most ample maintenance for them-  
 “ selves and dependants. The provisions,  
 “ which were laid up against winter in the  
 “ great mansions, fill with astonishment the  
 “ mind of a modern house-keeper. In con-  
 “ formity to this general practice, the resident  
 “ country clergyman had, comparatively speak-  
 “ ing, few demands for money, the glebe and  
 “ tithes supplying all his necessaries; his wheat  
 “ provided bread, and the barley, under his own  
 “ eye, was converted into malt—most of the old  
 “ rectorial houses having, even now, a build-  
 “ ing formerly appropriated to that purpose;  
 “ the wool was spun under his own roof, and  
 “ wrought into cloth in the neighbouring  
 “ towns; the cattle, fattened during the sum-  
 “ mer (there was no winter feeding), were  
 “ slaughtered and laid up for the remainder of

“ the

“ the year; and, as his family must have been  
 “ large, the day labourer and occasional arti-  
 “ ficer being fed from his table, it is reasonable  
 “ to suppose, that he had little to spare beyond  
 “ his own consumption—add to this, that he was  
 “ then a solitary being, deprived by superstition  
 “ of those endearing connexions, which impel  
 “ mankind to look beyond themselves, to the  
 “ welfare of those, who are of far more im-  
 “ portance to them.

“ His situation is now totally changed—  
 “ Commerce, and the influx of wealth have  
 “ entirely overthrown his domestic arrange-  
 “ ments; money is the medium through which  
 “ all his wants are to be supplied; he therefore  
 “ sells his wheat to pay his workmen: Barley,  
 “ the laws of his country restrain him from  
 “ making into malt, he sends it to a market, and  
 “ with the money received in return purchases  
 “ beer—the wool is disposed of to a distant  
 “ manufacturer, and with its value, himself and  
 “ family are clothed: The fat cattle are sold  
 “ instead of being salted, and the profit en-  
 “ sures a weekly supply of fresh meat, ’till the  
 “ return of summer.

“ The expenses also attendant on a mar-  
 “ riage-state (to say nothing of the various and  
 “ heavy

“ heavy taxes) occasion repeated demands on  
 “ him for money, which were wholly un-  
 “ known to the clergy at the time of Henry  
 “ the Eighth,

“ A revolution equally great has taken  
 “ place even in our system of agriculture—  
 “ Formerly a part of every farm was appro-  
 “ priated to tillage, another to pasture, and a  
 “ due proportion of calves and lambs were  
 “ annually reared; but by experience it is  
 “ found, that some districts are fitter for each  
 “ separate purpose, so that a glebe may be  
 “ wholly given up to corn, or pasture, accord-  
 “ ing to its soil, to the great advantage of the  
 “ proprietor and the public. In one instance,  
 “ different sorts of grain will be sent to mar-  
 “ ket, in the other, the return must be in fat  
 “ cattle. By occupying his lands in this man-  
 “ ner, the modern clergyman doth not violate  
 “ the spirit of the Act; though he *buys to sell*  
 “ *again*, yet it is a *buying and a selling inci-*  
 “ *dental* to the farming of his glebe; he is not  
 “ carrying on a traffic, which is evidently the  
 “ offence prohibited, but only in conformity  
 “ with the improved mode of husbandry, cul-  
 “ tivating his ground to the best advantage:  
 “ Enforce the statute literally, and at once he

“ is deprived of his principal support ; it will  
 “ be impossible for him to farm his glebe,  
 “ which he must immediately let, to the incal-  
 “ culable loss of himself and the community ;  
 “ as instead of being (which whilst in the hands  
 “ of the clergy it will generally be found to be)  
 “ in a progressive state of improvement, it will  
 “ gradually become worse, no tenant chusing  
 “ to risk his money in manuring premises, the  
 “ possession of which cannot be assured to him  
 “ for a single day.

“ The foregoing observations apply for  
 “ the most part to our own case, but it would  
 “ be selfish in the extreme were we not to re-  
 “ mark, that there are many of our brethren  
 “ of opulence and great respectability, who,  
 “ actuated by the most politic motives, have,  
 “ by occupying their own estates as well as  
 “ their glebes, held up a superior mode of hus-  
 “ bandry to their neighbourhood, and done  
 “ essential service to the country.

“ To take them also out of the hands of  
 “ informers, would be conceived to be an act  
 “ well worthy your serious consideration. Any  
 “ undue restraint on their exertions must prove  
 “ a manifest injury to the community at large,  
 “ and agriculture in its present state may be  
 “ consi-



“ considered so far from an illiberal pursuit,  
 “ that it is hard to say how any clergyman can  
 “ employ his hours of relaxation, (and such  
 “ hours must occur in every profession) with  
 “ more innocence to himself, and benefit to the  
 “ public, than in the moderated study and  
 “ practice of its various branches.”

I have my doubts, from what passed within these walls last year, whether the House will quite go along with the sentiments expressed in the last paragraph. I confess that my own sentiments are considerably mollified, since the last year, in favour of farming; I see that in this country the parish priest is, by the very constitution of his office, *in some degree*, an agriculturist; he is, *ex officio, in part* a farmer. He is to take care, undoubtedly, that the ecclesiastic shall not merge in the farmer, but shall continue the presiding and predominating character; but the moderated and subordinate practice of farming, supplies many means of cheap subsistence for the clergyman and his family; many means of easy kindness and hospitality to his poorer parishioners; many opportunities of distinguishing the industrious and well-disposed by the favour of employment; and many motives of pleasing attachment to the place, which

furnishes the healthy and amusing occupation of his vacant hours. Personal debasement must be guarded against; but when I recollect that it has been the opinion of all antiquity that *agriculturá libero homine nihil dignius*, and that the practice of modern times reconciles it with the dignity, and even the majesty of the most exalted stations, I am not prepared to admit that personal debasement is a necessary consequence; and in the example of the illustrious Hooker tending his sheep on Barham Downs, I think I see, that even some of its humble occupations may be performed without degradation.

But what above all creates a necessity for new moulding this statute is, the extreme depauperated state of many of the churches and parochial clergy of this kingdom. The statute makes one uniform demand of universal residence, under one uniform penalty; and universal residence cannot be had, without universal competency. If all the benefices in the kingdom were equal and competent, an equal obligation, enforced by an equal penalty, might be applied to them all universally. But the fact is, that the inequality is great, and has greatly increased since the passing of this Act; since it is certain, that if many benefices have increased in value,  
 many

many have been comparatively depauperated by the Reformation.

The appropriation of the Church revenues to the religious houses, was in ancient times a subject of loud and energetic complaint from Parliament. This House represented, “That  
 “ the religious men mischievously under divers  
 “ colours appropriated benefices, and grievously  
 “ threw down the houses of the same to the  
 “ ground, and cruelly did take away, and de-  
 “ stroy divine service, hospitality, and other  
 “ marks of charity ; and the clergy from pro-  
 “ motion did bar, in offence to God, confusion  
 “ of their own souls, grievous desolation of their  
 “ country, final destruction of the clergy, great  
 “ impoverishment of the kingdom, and irrevocable ruin of the Church of England.” But the clergy, though pillaged of their glebe and tythes by the monks, had their resources. In market-towns they had a variety of small devotional offices to perform for individuals, for which they were paid. In the country they farmed from the monks the glebe and tythes which they formerly possessed ; but their grand resource was in the authority of the bishops, who had a power, and occasionally exercised it, to compel the monks to raise their stipends, as  
 the

the times required. Temporary vicars, who answer to modern curates, had been raised successively up to ten marks, *consideratâ temporum qualitate*, which Spelman computes to be equal to sixty pounds a year, and the perpetual vicar was raised to twelve marks, equal to seventy pounds a year. They were single men, of small wants, and generally smaller learning; he who had Latin enough to read the office to those who could not read English, had no call for an expensive library. This statute, followed by the Reformation, struck a severe blow at their means of subsistence. In the country it put an end to their farming the glebe and tythes, a grievance bitterly complained of, by the Convocation of the same year with this statute, which represented that the statute had *non-nihil iniquitatis* in it, by robbing the *miseros vicarios*, the miserable vicars, of this advantage. The Reformation swept away in towns all the traffic of private superstitious offices; but the great blow was struck by the Statute of Alienations, or rather by the construction which has since grown upon it, and which has now exonerated the impropriated parsonages, from any power of the bishops to provide for the better maintenance of the officiating minister; for though  
the

the statute expressly reserved all rights, and transferred these Church revenues to the Crown, and consequently to its grantees, in the same state and condition “*as they now be, as held by the religious houses,*” yet it is settled law, in later times, that these impropriations, being lay fees, are no longer subject to the authority of the bishop.

It is now, Sir, too late to undo what was done at the Reformation in this matter. The property has for three hundred years passed into circulation—is become family inheritance—possessed by as good a title, and as safe a conscience, as other family inheritance; but, when I observe, that it is to be lamented that a better provision was not, at that time, made out of these revenues, for the support of the national religion, I say no more than what is supported by high authority, particularly by that of a person who was a great favourite and ornament of this House, and no partial friend to ecclesiastical claims—Mr. Selden; and by that of another person of still more elevated character, the ornament of his age and country! whose voice, when not perverted by passions or interests of his own, was the voice of reason and philosophy itself!—the  
great

great Lord Bacon. The former expresses himself thus, “ I doubt not, but that every good  
 “ man wishes that at our dissolution, their land  
 “ and tythes, and churches, had been bestowed  
 “ *rather* for the advancement of the Church, to  
 “ a better maintenance of a labouring, deserving  
 “ ministry, relief of the poor, and other such  
 “ good uses, (as have in them a character of the  
 “ good wishes of those who first dedicated them  
 “ to God) *than* conferred, with such a prodigal  
 “ dispensation, on those who stood ready to  
 “ devour what was sanctified.”—The latter  
 thus—“ It were to be wished, that impropriations  
 “ were returned to the Church, as the most na-  
 “ tural and proper endowments. In mine own  
 “ opinion and sense, I must confess, (I speak it  
 “ with all reverence) *all the Parliaments since*  
 “ *the 27th and 31st of Henry VIII. which gave*  
 “ *away the impropriations, seem to me to stand, in a*  
 “ *sort, obnoxious to God in conscience to do some-*  
 “ *what for the Church, and to bring the patrimony*  
 “ *thereof back to a due competency.*”—May I  
 presume with all humility to impress these me-  
 morable words upon the recollection of the  
 House! Till that is done, which Lord Bacon says,  
 “ *ought in the conscience of Parliament to be done,*”  
 all

all legislative provisions I fear, can be mere temporary palliatives and no better.

The truth is, that King Henry VIII. put the matter of the Church establishment into such a state, that without some forcible interposition of Parliament, it is become remediless in all time coming. The poverty-struck condition of the clergy, at that period, is recorded in a hundred striking instances, by Strype, by Kennet, by Wharton, and other collectors. The venerable Latimer, in a sermon preached before King Edward, says, “We of the clergy had too much, but  
 “ that is taken away, and now we have too little;  
 “ for my own part I have sufficient, God is my  
 “ judge, I crave nothing of any man, but I  
 “ know them that have too little; there lieth a  
 “ great matter by these appropriations, great  
 “ reformation is to be had in them; I know  
 “ where there is a great market town with di-  
 “ vers hamlets and inhabitants, where do rise  
 “ yearly of their labour to the value of £50,  
 “ and the vicar that serveth hath but 12 or 14  
 “ marks, being so great a cure; so that of his  
 “ pension he is not able to buy books, nor give  
 “ his neighbour drink, all the great gain goeth  
 “ another way—A redress God grant!” The same collectors record similar complaints made

in a popular publication of that day, called “the Supplication of the Beggars.”—“Your pretence  
 “to put down the abbeys, was to put away  
 “what was *amiss* : It was *amiss*, that a great  
 “part of their land was spent on a few super-  
 “stitious monks, who gave not £40 alms, when  
 “they should have given £200 : It was *amiss*,  
 “that monks should have benefices, and preach  
 “once a year to them that paid their tithes of  
 “the parsonage : It was *amiss*, that scarcely  
 “among twenty, they set one sufficient vicar  
 “to preach. But see now how that was *amiss*,  
 “is amended,—marry as the *devil* amended his  
 “dame’s leg; when he should have set it  
 “right, he broke it in pieces. The monks gave  
 “little alms, and set unable men in their bene-  
 “fices; but now where £20 was given to the  
 “poor, in more than a hundred places, not one  
 “meal’s meat is given; *that’s a fair amendment*.  
 “Where they had always one or other vicar to  
 “preach, now no vicar at all, but the farmer is vi-  
 “car and parson altogether, and only a cast away  
 “monk or fryer, which can hardly say ma-  
 “tins, is hired for twenty or thirty shillings,  
 “and meat and drink, yea, in some places, for  
 “meat and drink only. I know, and twenty thou-  
 “sand



“ sand more men know, more than five thousand  
 “ benefices thus well and gospelly served.”

The fact of the reduced condition of the clergy, is admitted by the Legislature itself, not only by the acts of shortly afterwards passing the Statutes of Union of Benefices, and of Dilapidation, (which for the first time found their way into our municipal code, from a necessity then first emerging in any pressing degree,) but it is expressly recorded in the preamble of these statutes, lamenting “ the decay of parson-  
 “ age houses, and the insufficiency of single  
 “ benefices for the maintenance of a minister.”

The condition of the superior clergy was comparatively little better. Cranmer, in a letter to his friend Sir Wm. Cecil, who had just taken to himself a handsome estate from the newly erected see of Peterborough, and immediately thereon had reproached the Bishops with covetousness, (as was customary, if the Bishops shewed the least repugnance to the operation of being stripped of their property) replies, “ As for your  
 “ admonition, I take it most thankfully ; for the  
 “ saying of St. Paul, that they who would grow  
 “ *rich* fall into temptation—I fear, it is not half so  
 “ much, as *stark beggary*. And if I knew any  
 “ Bishop that were covetous, I would surely

“admonish him, but I know none but all *very*  
 “*beggars*, except it be one, and yet I dare  
 “well say, *he* is not over rich!” The general  
 condition of churchmen at that time, affords  
 a solution natural enough of that otherwise ex-  
 traordinary fact, of their general and hasty  
 relapse into the ancient superstition.

Succeeding times have provided nothing  
 like a sufficient remedy. On a complaint made  
 to King Charles I. by Parliament against non-  
 residents, he answered them, “He recom-  
 “mended to this House to make due provision,  
 “that every parish should allow a competent  
 “maintenance for an able minister;” and it was  
 upon that occasion well observed in the House,  
 “that scandalous livings made scandalous mi-  
 “nisters.” From that time nothing was done, till  
 the splendid benefaction of the first fruits and  
 tenths made by Queen Anne; on which oc-  
 casion, Her Majesty observed, “that she had  
 “taken into her princely consideration the  
 “mean and insufficient maintenance belonging  
 “to the clergy in divers parts of this kingdom;”  
 and the Parliament in the preamble to the Act,  
 recites, “that a sufficient settled provision for  
 “the clergy, in many parts of this kingdom,  
 “hath never yet been made.”

This

This fund has now been in operation for near a century, under the administration of a Board composed of persons of high station, both in Church and State. The number of livings returned, certified to this Board and to the Exchequer, were not exceeding

Per annum.	Livings.
£10 - - - -	1071
20 - - - -	1467
30 - - - -	1126
40 - - - -	1049
50 - - - -	844
Total Livings under £50 per annum	<u>5597</u>

Since the first returns, many hundred cures have been returned as of small value, some not more than twenty or forty shillings—so that there being about eleven thousand seven hundred and odd livings in the kingdom, about one moiety of the whole were under fifty pounds a-year, and upon an average less than twenty-three pounds a-year. Private benefactions and accidental improvements have aided the operation of this charity; the two lowest classes have all received an actual augmentation from it; and a third class is now receiving the same benefit. But by a paper from the Secretary of that Board, which I hold in my hand, it appears, that “if we compute the number of livings, under £50 per annum to be as above about six thousand,

“ thousand, a moiety of which were actually  
 “ under £30 per annum; and if we reckon  
 “ that they have been since improved by the go-  
 “ vernors, and by other means upon an ave-  
 “ rage *two thirds*, which is a *very liberal allow-*  
 “ *ance indeed*, it follows that there are now  
 “ six thousand livings in England and Wales,  
 “ that do not exceed upon an average £85  
 “ per annum, and that a very great proportion  
 “ of them are, at this time, not £30 per annum,  
 “ and so progressively from £30 to £40 and  
 “ from £40 to £50.” In a document with which  
 I am favoured, by Mr. Archdeacon Plymley  
 of Salop, I am informed, “ that of one hundred  
 “ and sixty-eight churches in that Archdea-  
 “ conry, (which, as he justly observes, com-  
 “ prehends a part of five different counties, and  
 “ has within it specimens of almost every na-  
 “ tural and artificial situation) one hundred  
 “ and nine only have any parsonage house.  
 “ Independent of this deficiency of fifty-nine  
 “ parsonage houses, many of those in existence  
 “ are totally unfit for the residence of any cler-  
 “ gyman’s family; forty-seven churches have no  
 “ glebe land. Where there is a house or land  
 “ to build one upon, the want of a sufficient resi-  
 “ dence would be an excuse, if the livings could  
 “ afford

“ afford money to repair or to build : But  
 “ twenty-seven churches, exclusive of those that  
 “ are subordinate churches, and which for the  
 “ most part have no independent income, have  
 “ from £2: 5s. a year, only, to £50 a year :  
 “ No living would remain so low as £2: 5s. a  
 “ year, if the patrons would accept of augmen-  
 “ tation from Queen Ann’s bounty ; but this is  
 “ declined for fear of putting them under the  
 “ Bishop’s jurisdiction. Of the livings, twenty-  
 “ seven are under £50,—thirty-three above  
 “ £50, but under £100,—twenty-three above  
 “ £100, but under £150,—twenty-four above  
 “ £150 but under £200 per annum : There  
 “ are but nineteen livings of the whole hun-  
 “ dred and sixty-eight, that are above £200  
 “ per annum ; and this in a country, in which  
 “ the ecclesiastical state is conceived to be much  
 “ more respectable, than in the average state of  
 “ the kingdom.”

In adverting to this subject, I just ven-  
 ture to remark, that in a publication of an Ho-  
 nourable Baronet, upon the revenues of the  
 kingdom, (whom I do not see in his place,)  
 it is stated, “ that the revenue of this charity  
 of Queen Anne’s bounty, at first amounted  
 “ to about £14000 per annum ; and on the  
 “ 1st of January, 1735, the governors of that  
 “ charity

“ charity, possessed, besides from savings and  
 “ private benefactions, the sum of £152,500  
 “ of Old South Sea annuities, and £4857. of  
 “ cash in the hands of their treasurer; the state  
 “ of that fund has of late years been carefully  
 “ concealed, but it probably yields at present  
 “ from £40 to 50,000 per annum.” The Ho-  
 nourable Baronet will, I am sure, thank me for  
 using the present opportunity of correcting such  
 a misapprehension. It is perfectly true, that  
 such a sum existed in the funds in the year  
 1735; but it is equally true, that this was a sum  
 fully appropriated to a great number of livings,  
 to which it was paying a money interest ’till  
 proper purchases of land could be found; and  
 wherever there is a surplus of such interest, it  
 is made principal, and is applied in a similar  
 manner. Its present income is, with very slight  
 accidental variations, the same as its original in-  
 come, between £14000 and £15000 per an-  
 num. It would be difficult, indeed, to con-  
 ceive any reason for an idle unproductive ac-  
 cumulation of the money of this charity, to the  
 prejudice of its present numerous objects;  
 though, if any such practice could exist, I cer-  
 tainly should not be much surprised, at the  
 careful concealment of it.

To the mischiefs arising from the extreme  
 poverty of many parochial benefices, I have  
 heard

heard it suggested in this House as a cure, that there should be an equalization. Equality is in these days the grand panacea for all disorders. Unfortunately, besides twenty other objections, arising from the general interests of the civil and religious policy of the country, there are two objections that seem to dispose of it completely: one is, that it could not be effected without a most enormous plunder of the laity; and the other, that if done, it would not answer the purpose for which it is intended. In the first place, advowsons, though originally perhaps mere trusts, are now become lay fees. They are bought and sold, and are lay property, just as much as any other tenements or hereditaments. And they are not merely lay property *in law*, but a very large proportion of them is so in *fact*; for of the eleven thousand six hundred and odd livings in this kingdom, two thousand five hundred may be in ecclesiastical patronage, the rest, (exclusive of those which belong to the Crown, amounting to near eleven hundred,) either belong to various lay corporations (for even colleges are such,) or to lay individuals, who alone possess near six thousand of the whole number. Now, Sir, in this state of things, I desire to ask, upon what ground I can be called upon to give up half the

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living

living, the advowson of which I have purchased, upon a price relative to its value, in order that that moiety may be transferred to improve another living, belonging to another patron, who has paid nothing for that moiety, and who has no other title to it, but that he happens to possess the advowson of a smaller living? I see no ground, except such an one as would justify the Legislature in taking away half of any other estate I had purchased, in order to give it to my neighbour, because he happened to have less. Let gentlemen consider the effect of such speculations! In the next place, suppose, that this was accomplished, in a way consistent with the rights of property, what would follow? Equalize all the clergy, and you in effect degrade them all, for it is the grossest of all mistakes, that the *parochial* Church of England is amply endowed. It is demonstrated by a very exact inquirer upon these subjects, Mr. Cove, that if even all the preferments, of every species, belonging to the Church of England, were moulded into one common mass; and thence distributed—if the venerable fabrick of the hierarchy was dissolved, (a matter not to be effected without a convulsion and laceration of the civil state of the country, of which no man can foretell the consequences) and its

funds



funds parcelled out amongst the parochial clergy, the maximum of an English benefice would be not more than £167 a year—an income by no means adequate in the present state of the world, to the demands which society makes upon that profession in point of education, of attainments, of manners, of general appearance in life. As the revenues at present are distributed, the clergy, as a profession, find an easy and independent access to every gradation of society, and maintain a fair equality, as they ought to do, with the other liberal professions; and the elevation of the highest ranks give something of a dignity to the lowest: alter the mode of distribution, and you run the risk of producing a body of clergy, resembling only the lower orders of society, in their conversation, in their manners, and their habits; and it is well, if they are not infected by a popular fondness, for some or other species of a gross, a factious, and a fanatical religion.

An invidious parallel is sometimes stated, between the sister Churches of England and Scotland, upon this matter, and particularly upon the opinion of Dr. Adam Smith, to the disadvantage of the former. With all respect to the talents of a very acute and accomplished person, I am disposed to stop a little short of an

unlimited subscription to his opinions, on many subjects, and particularly upon the subject of the English Church, and the English Universities; both of which I have had means of knowing, in consequence of causes from which I can claim no merit, in a mode of personal observation and experience, which that eminent person never possessed. Sir, when I consider the extraordinary men which the Church of Scotland has produced, (*quales viros Caledonia emiserit*, if I may use the words of Tacitus respecting their ancestors) I cannot help adverting to the circumstance, that their harvest of literature has been principally produced within the last thirty or forty years; within which time, I understand, a more liberal provision has, by the authority of the Courts of Justice, been made for their clergy. Sir, I presume that I state a fact that is generally admitted, that from the Revolution downwards till that time, the clergy of Scotland had not taken a distinguished share in the literary occupations of Europe, even in those of a theological nature. They have amply paid up their arrears, and their country has, in part at least, paid up its arrears to them, of a due and honourable maintenance. The improvements of their incomes have been very considerable in late times. I know not whether Bishop Burnet, who certainly

tainly had the means of knowing, is correct in saying, that in Charles the Second's time, all benefices in Scotland were raised to £50 sterling; but I have been given to understand, that the Church of Scotland, particularly taking into consideration the cheapness of education and cheapness of living, may be deemed a better endowed church than the parochial Church of England. Which distribution of the Church revenues is preferable, is a question (if it can possibly be made a question in the actual state of things) which must be examined not simply by a view of the distributions themselves, but with reference to many important circumstances, connected with the civil policy of the two parts of the island? This I may venture to say, as a general position, in spite of the bright exception of the Church of Scotland, that the general effect of an equality and mediocrity of provision, is to produce an equality and mediocrity of talent; and I think I do not misrepresent in saying, that it has had some such effect upon the foreign Protestant churches, when I refer what they have produced, to any comparison with the splendour of the literary fame of the Church of England. One thing I am sorry to learn from the statistical accounts of the worthy Baronet, that the number of youths

youths educating for the Church, in many parts of Scotland, is considerably falling off. It rather looks as if the profession, notwithstanding the kinder treatment it has lately received, has not yet obtained its fair share in the growing prosperity of that country.

Sir, I have to apologize for digressing to these topics; in returning, I must observe, that, in the state of the Church I have described universal residence is out of the question. How can the public demand, under pains and penalties, that there shall be a resident incumbent in each parish, when so large a proportion of the benefices in the kingdom, do not pay more than what most of us in this House pay to our upper servants? There are, I suppose, three thousand livings not exceeding fifty pounds a year, and many below it. When I look at the real situation of the clergy, at the distresses and difficulties of a very large proportion of them, men must be made of sterner stuff than I happen to be composed of, who can say, that this matter is to be put upon the footing of a rigid, universal, unbending obligation, to be applied with a mathematical apathy to all cases, without the least consideration of men's families or their fortunes! Let us remember, that we are providing, not physical laws for the government of

of

of matter, but moral regulations for the conduct of a great number of men, placed in an infinite variety of situations, the effects of which must be taken into the account, and with a candid and humane consideration.

Gentlemen say, and I am sure with the very best intentions, "Give us clear general rules; we desire to have nothing to do with any man's discretion." My answer is, "Give me a subject that admits of clear general rules; this is not one of them." If the benefices of the kingdom were all equal, and the men who held them were all single men, it would be easy to take the compasses out of one's pocket, and to mete out exactly the extent of indulgence, that might universally be granted to men, simply and uniformly situated; but you cannot apply a straight rule to a surface infinitely uneven and irregular. Here are above eleven thousand persons in conditions of great disparity, of different habits of life, of no small difference of education and attainments, of church incomes that bear no proportion to each other, and of family circumstances that are equally disproportionate. What is to be done? The rule, that would be no more than a just rule, applied to the opulent rector, would be a rule of severe oppression upon the poor man,

man, with his benefice of thirty pounds a-year, who is driven to eke out his family subsistence by a more beneficial employment of himself elsewhere. Will you construct your rule upon the scale of the value of benefices? To say nothing of the different value of money, in different parts of the island, the different state of men's families will still create a monstrous inequality; for no man will deny, that a single man, and a married man with ten children, living each upon the same income of seventy pounds a year, are in a state of great inequality. All that can be done in such a subject is, to call in a discretion, to operate on this infinite variety of circumstances. God forbid, that I should mean an interested jobbing partiality; I mean a prudent and humane discretion, that is to distribute itself honestly and honourably, between the just rights of the publick service on the one side, and the necessity of private convenience on the other, as far as the infirmity of human judgment will allow. Another consideration calls with a loud voice for the existence and exercise of a discretion—I mean the consideration, that must be had of that meritorious body of men, the curates. Establish a rigid rule of residence to be carried into a hasty effect, under the letter of a statute,

statute, and you turn these persons adrift, from situations where they have spent their lives innocently and usefully, to seek their bread where, on a supposition of universal residence, it is not to be found—perhaps at an advanced time of life, and with families dependent upon them. These persons *must* be *tenderly* considered; if there is a curate who has long demeaned himself with propriety in a station, it would, in my opinion, be not more than a just exercise of discretion, to bear with the absence of the incumbent, till that curate is removed, in some way consistent with the attention due to his interests; otherwise the reformation of incumbents will be the persecution of curates. A discretion therefore must be called in, at least till the charity and piety of Parliament has put the lower parts of the Church establishment on a more favourable footing: and the only question can be, Where shall that discretion be placed? And of *that* question, I say, that it must be determined by the result of *this* question, Where can it be most *constitutionally placed*? that is, with reference to the general frame of the Church establishment, to the principles on which it is founded, and to the na-

ture and character of the authorities that exist in it?

Upon all the different grounds I have stated, a necessity exists of revising the statute. What I have to offer, I desire to propose as merely a *provisional* or *interim* bill; for I can never repeat too frequently, that till the situation of the lower clergy is improved with respect to their incomes, their parsonage houses, and other circumstances, which I trust will soon become the subjects of parliamentary attention, nothing radical, nothing permanent, can be projected. But, so far as the present bill is concerned, I beg leave to state the principles, on which, I conceive with all deference, the Legislature ought to proceed to the consideration of such a subject. In the first place, not to recede from ancient foundations, not to attempt reformations, particularly in the present disordered state of the Church finances, upon *high, à priori*, notions of a theoretical perfection, but to use and apply the existing means in the constitution, in order to obtain such a quantity of good effect, as is really attainable; to keep to that, which, considering the familiarity of ancient usage, the attachment of habit, and the uniformity of general



ral system, promises to be practically the most commodious—to give confidence, and to allow discretion where the constitution has vested discretion, has required confidence—and to guard, by reasonable caution, against the perils of a blind confidence and an abused discretion. Secondly, Not to look to a petty harrassing system of regulations, that is to be dogging, and hunting men, in every hour of their lives, and at every turn of their steps, for no sufficient purpose of respectable utility, but to a substantial *bonâ fide* enforcement of substantial *bonâ fide* duties, that the public may not be told *that there is nobody responsible*—and, in truth, as the matter stands at present, there are but few, comparatively, who are responsible. I have no wish to deny, that there are many offensive cases of non-residence; though the majority of cases, I am persuaded, are such, as a man of even strict religious principles, tempered with a little human feeling (possibly not much the worse for that temperature), would find to contain circumstances of more extenuation than he had supposed. But, even in the offensive cases, it is difficult to say, who is responsible beyond the individuals themselves—certainly not the governors of the Church in hardly any case—for I must, in jus-

tice, let out to the House a secret, a little dangerous perhaps to be communicated at large, that in truth there is hardly one act of discipline, which a Bishop can execute upon his clergy, (if it is at all resisted,) but at the expense, and the vexation, and hazard of a law suit. Take this matter of residence—A Bishop admonishes his clerk to reside, and the clerk turns a deaf ear; what is to be done? The Bishop has only this election, whether he shall employ the compulsion of the ecclesiastical process, or the common law compulsion of this statute; for a suit of one kind or other he must have. For a Bishop to be dragging his clergy, in the character of common informer, into every assize town of his diocese, subject to all the publick freedom of discussion (necessary, I admit, in that mode of inquiry), and to all the levity of remark (allowable, I likewise admit, in the advocate who has to carry his present point with his jury), is no very seemly sight; I cannot help thinking, that more harm is done to the modest dignity of religion, by such exhibitions, than balances the advantage of the success of the particular prosecution. On the other hand, if the Bishop repairs to the Ecclesiastical Court, I certainly cannot venture to describe a penal suit travelling through

through the Consistory, the Arches, and finally the Delegates, as any luxury to the man who has to pursue it; certainly very far from it, looking at the expense and the vexation that may travel along with it. No man can expect a Bishop to venture upon the use of such remedies, but in very enormous cases indeed. The constitution, in theory, supposes the governors of the Church to have all necessary powers; but they are powers which can hardly be deemed to exist to any practicable effect. Give the governors of the Church, *not* new and unknown powers, but prompt and commodious means of applying those they have, an awful responsibility will immediately arise; they will feel, that the expectation of the publick is upon them; that the publick requires that the powers so given *shall be used*, and *used* for the purposes for which given. If they *are not used*, or *not so used*, it may give rise to a suspicion (which God avert), that the episcopal government of the Church, high and sacred as its origin may be, is, in the present state of manners, less favourably adapted to the care of its interests and duties, than the civil constitution of the country had hitherto supposed.

In the third place, that this enforcement  
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of duties should be framed with as little vexation to its objects, as is consistent with its efficacy; without any unnecessary harshness or restraint, still less with disrespect and degradations; with all decent attention to the situation of the order in the State, and to the personal convenience of individuals. Their profession is in all countries of most important use to society, and its general utility depends upon its general estimation. In this country it is an eminent order of the State: It has always stood by the State with firmness, and in no times more meritoriously than in the present. The individuals are, in a large proportion of them, men of learned, and many of them of elegant education. Literature, both useful and ornamental, has been in no country so largely indebted to its clergy. Many of them are taken from among the best and most respected families of our country; and it is on all accounts, religious, moral, and political, anxiously to be wished, that the families of our gentry should continue to supply a large proportion of our clergy. Such men are not the subjects of an extreme and overstrained legislation. Something must be trusted to their own sense of duty; something allowed to their personal convenience.

ence. They are to be governed, it is true, but *lenibus imperiis*, by an authority efficacious in its results, but mild in its forms and just in its indulgences. May I add, that whilst we have seen, in other countries, Christianity suffering in the persons of the oppressed clergy, it imposes a peculiar obligation upon us, to treat our own with kindness and respect, and to beware of degrading religion, by an apparent degradation of its ministers. If there has been an undue laxity in this matter, let the Legislature signify firmly, that they should generally repair to their benefices; but not as men stigmatised and relegated—carrying their resentments to their solitudes—and from whom, after unkind treatment, a chearful and ardent performance of duty can hardly be expected. Surely, Sir, it is upon such subjects, more than any others, that one ounce of sweet spontaneous duty, is worth whole pounds of compelled performance.

Whether these principles, on which I have endeavoured to construct this bill, are just, or the provisions well adapted to carry them into effect, is for the House to judge. I shall state briefly its general provisions, both on the part of the public, and on the part of the clergy, referring for further and more minute detail to the

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the bill itself, which I shall move for leave to have printed, for the use of the Members during the recess.

On the part of the public, I propose to guard against what the House appeared to consider as the abuses of clergymen's farming, and to enforce the duty of residence, in a double manner more effectually, by enabling the Bishops to exert the authority, which the constitution has given them, and by giving the common prosecutor, where he is permitted to act, an increased reward of his diligence. On the part of the clergy, there is offered: 1st, An entire amnesty for past neglect, where no prosecution had been commenced; and, 2dly, Where *there had been*, An exemption from further prosecution, on payment of costs already incurred. 3dly, On the matter of farming, a liberty given in the cases, where they were injuriously prohibited by the ancient statute. 4thly, On the matter of residence, to give a fair and reasonable allowance of time, to the clergyman for the occasions of private life, free from the doggings of any informer, though still subject to the superintendance of his proper superior—to allow an *ipso facto* exemption from all penalties, for clergymen bearing certain offices, during  
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the times required for the duties of those offices—to restore the power to Bishops to grant licences for absence, in certain enumerated and expressed cases, which licences shall protect from the common prosecutor—and in other cases, which cannot be specifically foreseen, or provided for, to allow the concurrence and consent of the metropolitan to have that effect.

Sir, these are the outlines of the proposed bill. I have only to add, that having felt the difficulties of the subject in undertaking this matter, I have not felt my sense of its difficulties diminished, by having contended with them. The subject has deep foundations in legal and ecclesiastical antiquity; it has wide and diffusive bearings in the present system of life and manners, and certainly a very serious influence upon the good order of society, as well as the comfort of individuals. I could have wished, that it had fallen into other hands, particularly those to which is confided the care of the great establishments of the Empire; for unquestionably in a country which, with a most fortunate wisdom, makes its religion an essential part of its civil polity, the establishments of religion are amongst the greatest. Far be from me the vanity of supposing that any bill which I can construct on a subject so loaded with

practical difficulties, can find a ready acceptance amongst the various opinions which prevail upon it. For I must honestly confess, that since it has been devolved upon me, I have rarely conversed with any gentleman, who did not favour me with an opinion, that was not directly the reverse of the last opinion, I had been favoured with upon the subject. All I have to say is, that if with the improvements the bill shall receive from the wisdom of the House, it should finally succeed, I shall be glad to have been the instrument of introducing it to its notice. If it should fail, I shall write *satisfeci* upon my own mind and conscience, under the conviction, that I have with fair intentions pursued a most desirable object, and only failed under difficulties, to which humble talents are very unequal.

Sir, I move, that leave be given to bring in a bill — and *leave being given* — that the Chancellor of the Exchequer, Mr. Attorney and Solicitor General, the Members for the two Universities of England, Mr. Dickinson, Mr. Gregor, Dr. Duigenan, and Dr. Laurence, do prepare and bring in the same.

THE END.



# COBBETT'S WEEKLY POLITICAL REGISTER,

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THIS Work, which has already met with a success that the Editor believes to be without a parallel in the History of Periodical Publications, is intended to be the most ample and complete Repository of Political and Historical Knowledge that ever appeared in this, or any other, Country. The Contents are as follow: I. An Historical Account of the *Proceedings in Parliament*, somewhat in the same Manner, but more minute, than the Account of those Proceedings usually contained in the Annual Registers. II. All *State Papers*, whether they immediately relate to this Country or not; and, under this head, care is taken to recur to such Compacts and Transactions of past Times as do, or may, affect the Circumstances of the present Time. For, instance, the same Number which contains a Discussion of that Part of the Treaty of Amiens which relates to Guiana, also contains such Parts of the Treaties of Utrecht and of Paris as relate to the French and the Portuguese Territory in that Part of the World. Again: in order to show what the Views of France are in preventing England from having Treaties of Commerce with other Nations, Extracts are made from Thirteen Treaties between France and other Powers, in which the Republic has either made, or stipulated for, Treaties of Commerce. So that the Register does, in fact, contain all the authentic Materials and Information that can possibly be necessary to the forming of a correct Judgment on current Events. III. *Fair and free Discussions* of the measures of Government, whether relating to foreign Affairs, Colonies, Commerce, Manufactures, Revenue, Debts, Expenditures, Laws civil, military, or ecclesiastical. On these various and important subjects the Work already contains such Information as the Editor is led to hope has been of some service to the Country. Nor are Transactions, of a nature not so immediately political, excluded from notice; as in the Instances of the Letters to Sir Joseph Banks and Mr. Otto. In short, every thing which materially affects, directly or indirectly, the Interest or Honour of the Nation, is, in this Work, a subject of remark, if not of ample investigation. IV. *Brief Notices of all New Books and Pamphlets* that relate to History, Politics, Political Economy, or that bear upon subjects connected therewith. In some instances the Principles and Statements of Works so noticed are examined and controverted; but the general Inten-

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